

Amendments to House Bill No. 55  
3rd Reading Copy

For the Senate Judiciary Committee

Prepared by Valencia Lane  
March 12, 2009 (8:36am)

1. Title, line 6.

**Following:** "OFFENDER;"

**Insert:** "REQUIRING NOTIFICATION TO SCHOOL DISTRICTS;"

2. Page 1, line 27.

**Following:** "subsection"

**Strike:** "(5)"

**Insert:** "(6)"

3. Page 2, line 21 through line 25.

**Following:** "offender" on line 21

**Insert:** ", "

**Strike:** remainder of line 21 through "(II)" on line 25

4. Page 2, line 26.

**Following:** "BY THE"

**Insert:** "youth court or the"

5. Page 3, line 2.

**Following:** line 1

**Insert:** "(3) For a youth designated under this section and 46-23-509 as a level 3 offender, the youth court if the youth is under the youth court's jurisdiction or the department if the youth is under the department's jurisdiction shall notify in writing the superintendent of the school district in which the youth is enrolled of the adjudication, any terms of probation or parole, and the facts of the offense for which the youth was adjudicated, except the name of the victim, and provide a copy of the court's disposition order to the superintendent."

**Renumber:** subsequent subsections

- END -

(OVER)

1 (d) in the case of a delinquent youth who has been adjudicated for a sexual offense, as defined in  
 2 46-23-502, and is required to register as a sexual offender pursuant to Title 46, chapter 23, part 5, exempt the  
 3 youth from the duty to register if the court finds that:

4 (i) the youth has not previously been found to have committed or been adjudicated for a sexual offense,  
 5 as defined in 46-23-502; and

6 (ii) registration is not necessary for protection of the public and that relief from registration is in the public's  
 7 best interest;

8 (e) in the case of a delinquent youth who is determined by the court to be a serious juvenile offender,  
 9 the judge may specify that the youth be placed in a state youth correctional facility, subject to the provisions of  
 10 subsection (2), if the judge finds that the placement is necessary for the protection of the public. The court may  
 11 order the department to notify the court within 5 working days before the proposed release of a youth from a youth  
 12 correctional facility. Once a youth is committed to the department for placement in a state youth correctional  
 13 facility, the department is responsible for determining an appropriate date of release or an alternative placement.

14 (f) impose a fine as authorized by law if the violation alleged would constitute a criminal offense if  
 15 committed by an adult.

16 (2) If a youth has been adjudicated for a sexual offense, as defined in 46-23-502, the youth court shall:

17 (a) prior to disposition, order a psychosexual evaluation that must comply with the provisions of  
 18 46-18-111;

19 (b) designate the youth's risk level pursuant to 46-23-509; and

20 (c) require completion of sexual offender treatment; and

21 (d) for a youth designated under this section and 46-23-509 as a level 3 offender;

22 ~~(i) NOTIFY THE SCHOOL DISTRICT IN WHICH THE YOUTH IS ENROLLED OF THE ADJUDICATION, ANY TERMS OF~~  
 23 ~~PROBATION, AND THE FACTS OF THE OFFENSE FOR WHICH THE YOUTH WAS ADJUDICATED AND PROVIDE A COPY OF THE~~  
 24 ~~COURT'S DISPOSITION ORDER TO THE DISTRICT; AND~~

25 ~~impose upon the youth those restrictions required for adult offenders by 46-18-255(2), UNLESS THE~~  
 26 ~~YOUTH IS APPROVED BY THE DEPARTMENT FOR PLACEMENT IN A HOME, PROGRAM, OR FACILITY FOR DELINQUENT YOUTH.~~  
 27 Restrictions imposed pursuant to this subsection (2)(d) terminate when the jurisdiction of the youth court

28 terminates pursuant to 41-5-205 unless those restrictions are terminated sooner by an order of the court.

or (3) For a youth designated under this section and 46-23-  
 509 as a level 3 offender, the youth court if the youth is  
 under the youth court's jurisdiction or the department if  
 the youth is under the department's jurisdiction shall  
 notify in writing the superintendent of the school district  
 in which the youth is enrolled of the adjudication, any  
 terms of probation or parole, and the facts of the offense  
 for which the youth was adjudicated, except the name of the  
 victim, and provide a copy of the court's disposition order  
 to the superintendent."

or 41-5-1605.

the jurisdiction

ersion - HB 55